



Rules of the Road

Closing a medical practice?

The closure of a medical practice or separation of physicians from a practice needs to be done in a thoughtful and deliberate manner that recognizes the professional obligations we have to our patients. When such a change occurs it is important to remember the patients have a need for continuity of care.

Rhode Island general law [§5-37-30](#) specifically addresses the requirements regarding closing a practice or separating from an existing practice. Addressing the unique requirements of medical records is one of the first issues that should be considered.

When retiring or separating from a practice, or when a physician is deceased:

- Give public notice 90 days before closing a practice in a newspaper with statewide circulation; include how to get medical records. When a physician is deceased, heirs or the estate should give the same public notice within 90 days.
- Send a letter to active patients (those seen in the last 12 months).
- Notify the Rhode Island Medical Society and the Rhode Island Board of Medical Licensure and Discipline of location of medical records.
- Establish clear boundaries regarding how records will be transferred and follow section 11.2 of state [rules and regulations](#). (Note, records must be available for 5 years; a fee can be charged for copying, yet the transfer of the record cannot be delayed due to lack of payment.) If the physician is deceased, follow the same billing guidelines and arrange for storage and retrieval of records for the next 5 years.

Other considerations:

- Has the malpractice carrier been notified? Is tail coverage needed for continuation of coverage?
- Are all patient care activities resolved?

A word to the wise: When practices break up or separate, keep the patients' interests first and foremost. The Board of Medical Licensure and Discipline frowns upon complaints that suggest physicians are fighting over patients or "using the patients" as part of the break up.

The article above appeared in the April 2013 edition of HEALTH Connections, authored by James McDonald, MD, MPH, Chief Administrative Officer, Board of Medical Licensure and Discipline (BMLD) (www.health.ri.gov/publications/periodicals/healthconnections). Dr. McDonald welcomes your questions or comments about this article, as well as any other questions related to licensing issues and medical practices. Send an email to James.McDonald@health.ri.gov